

REMARKS

In the Office Action dated May 5, 2005, claims 1-21 were presented for examination. Claims 1-21 were rejected under 35 U.S.C. §102(b) as being anticipated by *Jang et al.*, "An Effective Mechanism for Index Update in Structured Documents", ACM 1999, pages 383-390.

Applicant wishes to thank the Examiner for the careful and thorough review and action on the merits in this application.

Claims 1-21 were rejected under 35 U.S.C. §102(b) as being unpatentable over *Jang et al.*, "An Effective Mechanism for Index Update in Structured Documents", ACM 1999, pages 383-390.

As noted in the Response to the First Office Action, *Jang et al.* publication teaches a method for statically preprocessing a document for search and retrieval, and generates a statistical analysis result in response to a query. *Jang et al.* does not return a dynamically generated identifier to a client workstation in response to the query. As noted by the Examiner, §§2.1 and 2.2 of *Jang et al.* relates to assignment of a universal identifier. However, as per claims 1-21, Applicant respectfully disagrees with the Examiner's assessment that the dynamically generated identifier of Applicant is delivered to a client workstation. There is no teaching in *Jang et al.* for returning the generated identifier to the client workstation. It merely states "retrieval of a query". *Jang et al.*, Section 5. *Jang et al.* is silent as to the destination of the generated identifier.

In order for the claimed invention to be anticipated under 35 U.S.C. §102(b), the prior art must teach all claimed limitations presented by the claimed invention. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F. 2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987)). Applicant could

not find any verbiage in *Jang et al.* pertaining to delivery to a client workstation, as claimed. Accordingly, Applicant respectfully requests the Examiner to remove the rejection of claims 1-21 as there is no express or inherent teaching of delivering a dynamically generated reference identifier to a client workstation.

With respect to claims 1, 15, and 19, Applicant respectfully disagrees with the Examiner's assessment that the traversal is from the root of the tree. *Jang et al.*, section 5, page 387, illustrates and explains the retrieval process. There are five steps illustrated in Fig. 7 which is an illustration of the structural retrieval process. As shown, step 4 is the process for computing the universal identifier of the parent for the retrieved elements. If step 4 computes the parent identifier, which may be the root in some circumstances, then obviously the traversing process is not originating at the root. Furthermore, as stated in Section 2.1 of *Jang et al.* it is with the knowledge of the child node's universal identifier that one can compute the parent node identifier. *Jang et al.* initiates the retrieval at the level of a child node since it is an implementation of the Bottom Up Scheme, also known as BUS. "In BUS, terms are indexed only at the lowest level of the document structure, whereas index information at higher levels is computed at query evaluation time using the index information at the lowest level." *Jang et al.*, Section 1, page 383. It is clear that the traversal step in *Jang et al.* begins at the child level and not at the root, since the parent node identifier must be computed from an ascertained child node identifier. Finally, the Applicant notes the Examiner language of "implies". The Examiner rejected claims 1, 15, and 19 under 35 U.S.C. §102(b). This form of a rejection does not support implying specific elements. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). *Jang et al.* does not "imply" that the traversal originates from the root of the structured document. In fact, *Jang et al.* is clear that the traversal originates at a child level to find a target object and the parent level is calculated from the identifier of the target object at the child level. Accordingly, Applicant respectfully requests the Examiner to remove the rejection of claims 1, 15, and 19.

For the reasons outlined above, withdrawal of the rejection of record and an allowance of this application are respectfully requested.

Respectfully submitted,

By: 

Rochelle Lieberman
Registration No. 39,276
Attorney for Applicant

Lieberman & Brandsdorfer, LLC
12221 McDonald Chapel Drive
Gaithersburg, MD 20878-2252
Phone: (301) 948-7775
Fax: (301) 948-7774
Email: rocky@legalplanner.com

Date: July 5, 2005

The transmission ends with this page